

Senate File 2188 - Introduced

SENATE FILE 2188
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 2075)

A BILL FOR

1 An Act relating to prescription authority for certain
2 psychologists and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.3, subsection 35, Code 2016, is
2 amended to read as follows:

3 35. "Pharmacy" means a drug store in which drugs and
4 medicines are exposed for sale and sold at retail, or in which
5 prescriptions of licensed physicians and surgeons, dentists,
6 prescribing psychologists, or veterinarians are compounded and
7 sold by a registered pharmacist.

8 Sec. 2. Section 124.101, subsection 26, paragraph a, Code
9 2016, is amended to read as follows:

10 a. A physician, dentist, podiatric physician, prescribing
11 psychologist, veterinarian, scientific investigator or
12 other person licensed, registered, or otherwise permitted to
13 distribute, dispense, conduct research with respect to, or to
14 administer a controlled substance in the course of professional
15 practice or research in this state.

16 Sec. 3. Section 147.107, subsections 1 and 2, Code 2016, are
17 amended to read as follows:

18 1. A person, other than a pharmacist, physician,
19 dentist, podiatric physician, prescribing psychologist, or
20 veterinarian who dispenses as an incident to the practice of
21 the practitioner's profession, shall not dispense prescription
22 drugs or controlled substances.

23 2. a. A pharmacist, physician, dentist, ~~or~~ podiatric
24 physician, or prescribing psychologist who dispenses
25 prescription drugs, including but not limited to controlled
26 substances, for human use, may delegate nonjudgmental
27 dispensing functions to staff assistants only when verification
28 of the accuracy and completeness of the dispensing is
29 determined by the pharmacist or practitioner in the
30 pharmacist's or practitioner's physical presence. However, the
31 physical presence requirement does not apply when a pharmacist
32 or practitioner is utilizing an automated dispensing system or
33 when a pharmacist is utilizing a tech-check-tech program, as
34 defined in [section 155A.3](#). When using an automated dispensing
35 system the pharmacist or practitioner shall utilize an

1 internal quality control assurance plan that ensures accuracy
2 for dispensing. When using a tech-check-tech program the
3 pharmacist shall utilize an internal quality control assurance
4 plan, in accordance with rules adopted by the board of
5 pharmacy, that ensures accuracy for dispensing. Verification
6 of automated dispensing and tech-check-tech accuracy and
7 completeness remains the responsibility of the pharmacist or
8 practitioner and shall be determined in accordance with rules
9 adopted by the board of pharmacy, the board of medicine, the
10 dental board, ~~and the board of podiatry,~~ and the board of
11 psychology for their respective licensees.

12 *b.* A dentist, physician, ~~or~~ podiatric physician, or
13 prescribing psychologist who dispenses prescription drugs,
14 other than drug samples, pursuant to [this subsection](#), shall
15 report the fact that they dispense prescription drugs with the
16 practitioner's respective board at least biennially.

17 *c.* A physician, dentist, ~~or~~ podiatric physician, or
18 prescribing psychologist who dispenses prescription drugs,
19 other than drug samples, pursuant to [this subsection](#), shall
20 offer to provide the patient with a written prescription that
21 may be dispensed from a pharmacy of the patient's choice or
22 offer to transmit the prescription orally, electronically, or
23 by facsimile in accordance with [section 155A.27](#) to a pharmacy
24 of the patient's choice.

25 **Sec. 4. NEW SECTION. 148.13A Board authority over**
26 **physicians supervising certain psychologists.**

27 The board of medicine shall, in consultation with the board
28 of psychology, establish by rule specific minimum standards
29 for the appropriate supervision of a psychologist prescribing
30 medication pursuant to a conditional prescription certificate
31 under chapter 154B.

32 **Sec. 5. Section 154B.1, Code 2016, is amended to read as**
33 **follows:**

34 **154B.1 ~~Definition~~ Definitions.**

35 **As used in this chapter, unless the context otherwise**

1 requires:

2 1. "Board" means the board of psychology created under
3 chapter 147.

4 2. "Collaborative practice agreement" means a written
5 agreement between a prescribing psychologist and a licensed
6 physician that establishes clinical protocols, practice
7 guidelines, and care plans relevant to the scope of the
8 collaborative practice.

9 3. "Collaborative relationship" means a cooperative
10 working relationship between a prescribing psychologist or a
11 psychologist with a conditional prescription certificate and a
12 licensed physician in the provision of patient care, including
13 diagnosis and cooperation in the management and delivery of
14 physical and mental health care.

15 4. "Conditional prescription certificate" means a document
16 issued by the board to a licensed psychologist that permits
17 the holder to prescribe psychotropic medication under the
18 supervision of a licensed physician pursuant to this chapter.

19 5. "Practice of psychology" means the application of
20 established principles of learning, motivation, perception,
21 thinking, and emotional relations to problems of behavior
22 adjustment, group relations, and behavior modification,
23 by persons trained in psychology for compensation or other
24 personal gain. The application of principles includes, but
25 is not limited to: Counseling and the use of psychological
26 remedial measures with persons, in groups or individually,
27 with adjustment or emotional problems in the areas of work,
28 family, school, and personal relationships; measuring and
29 testing personality, intelligence, aptitudes, public opinion,
30 attitudes, and skills; and the teaching of such subject matter,
31 and the conducting of research on the problems relating to
32 human behavior.

33 6. "Prescribing psychologist" means a licensed psychologist
34 who holds a valid prescription certificate.

35 7. "Prescription certificate" means a document issued by the

1 board to a licensed psychologist that permits the holder to
2 prescribe psychotropic medication pursuant to this chapter.

3 8. "Psychotropic medication" means a controlled substance
4 or dangerous drug that shall not be dispensed or administered
5 without a prescription and that has been approved by the
6 federal food and drug administration for the treatment of
7 mental disorders, as defined by the most current diagnostic
8 and statistical manual of mental disorders published by the
9 American psychiatric association or the most current version
10 of the international classification of diseases, and that is
11 listed as a psychotherapeutic agent in the American hospital
12 formulary service. "Psychotropic medication" does not include
13 narcotics.

14 Sec. 6. NEW SECTION. 154B.9 Drugs — medicine.

15 1. Except as provided in subsections 2 and 3, a psychologist
16 shall not administer or prescribe drugs or medicine.

17 2. A licensed psychologist holding a conditional
18 prescription certificate may prescribe psychotropic medication
19 under the supervision of a licensed physician pursuant to this
20 chapter.

21 3. A prescribing psychologist may prescribe psychotropic
22 medication pursuant to this chapter.

23 Sec. 7. NEW SECTION. 154B.10 Conditional prescription
24 certificate.

25 1. An applicant for a conditional prescription certificate
26 shall be granted a certificate by the board if the applicant
27 satisfies all of the following requirements:

28 a. Holds a current license to practice psychology in this
29 state.

30 b. Completed pharmacological training from an institution
31 approved by the board or from a provider of continuing
32 education approved by the board.

33 c. Passed a national certification examination approved by
34 the board that tested the applicant's knowledge of pharmacology
35 in the diagnosis, care, and treatment of mental disorders.

1 *d.* Within five years immediately preceding the date of
2 application, successfully completed an organized program of
3 education consisting of intensive didactic instruction of no
4 fewer than four hundred fifty classroom hours in at least the
5 following core areas of instruction:

- 6 (1) Neuroscience.
- 7 (2) Pharmacology.
- 8 (3) Psychopharmacology.
- 9 (4) Physiology.
- 10 (5) Appropriate and relevant physical and laboratory
11 assessment.

12 *e.* Within five years immediately preceding the date of
13 application, has been certified by the applicant's supervising
14 physician as having successfully completed a supervised and
15 relevant clinical experience of no less than an eighty-hour
16 practicum in clinical assessment and pathophysiology and an
17 additional supervised practicum of at least four hundred
18 hours treating no fewer than one hundred patients with mental
19 disorders. The practica shall have been supervised by a
20 trained physician. The board shall determine whether the
21 practica is sufficient to competently train the applicant in
22 the treatment of a diverse patient population.

23 *f.* Possesses malpractice insurance that will cover the
24 applicant during the period the conditional prescription
25 certificate is in effect.

26 *g.* Meets all other requirements, as determined by rules
27 adopted by the board, for obtaining a conditional prescription
28 certificate.

29 2. A conditional prescription certificate is valid for four
30 years, at the end of which the holder may apply again pursuant
31 to the provisions of subsection 1.

32 3. A psychologist with a conditional prescription
33 certificate may prescribe psychotropic medication under the
34 supervision of a licensed physician subject to all of the
35 following conditions:

1 *a.* The psychologist shall continue to hold a current license
2 to practice psychology in this state and continue to maintain
3 malpractice insurance.

4 *b.* The psychologist shall inform the board of the name of
5 the physician under whose supervision the psychologist will
6 prescribe psychotropic medication and promptly inform the board
7 of any change of the supervising physician.

8 *c.* A physician supervising a psychologist prescribing
9 psychotropic medication pursuant to a conditional prescription
10 certificate shall be subject to disciplinary action pursuant to
11 section 148.13A for the acts and omissions of the psychologist
12 while under the physician's supervision. This provision
13 does not relieve the psychologist from liability for the
14 psychologist's acts and omissions.

15 Sec. 8. NEW SECTION. 154B.11 **Prescription certificate.**

16 1. An applicant for a prescription certificate shall be
17 granted a certificate by the board if the applicant satisfies
18 all of the following requirements:

19 *a.* Possesses a conditional prescription certificate and has
20 successfully completed two years of prescribing psychotropic
21 medication as certified by the supervising licensed physician.
22 An applicant for a prescription certificate who specializes
23 in the psychological care of children, elderly persons, or
24 persons with comorbid psychological conditions shall complete
25 at least one year prescribing psychotropic medications to such
26 populations as certified by the supervising licensed physician.

27 *b.* Holds a current license to practice psychology in this
28 state.

29 *c.* Possesses malpractice insurance that will cover the
30 applicant as a prescribing psychologist.

31 *d.* Meets all other requirements, as determined by rules
32 adopted by the board, for obtaining a prescription certificate.

33 2. A psychologist with a prescription certificate may
34 prescribe psychotropic medication pursuant to the provisions of
35 this chapter subject to the following conditions:

1 *a.* The psychologist continues to hold a current license to
2 practice psychology in this state and maintains malpractice
3 insurance.

4 *b.* The psychologist annually satisfies the continuing
5 education requirements for prescribing psychologists, as
6 determined by the board, which shall be no fewer than twenty
7 hours each year.

8 *c.* The psychologist has entered into a collaborative
9 practice agreement with a licensed physician.

10 Sec. 9. NEW SECTION. **154B.12 Prescribing practices.**

11 1. A prescribing psychologist or a psychologist with
12 a conditional prescription certificate may administer and
13 prescribe psychotropic medication within the scope of the
14 psychologist's profession, including the ordering and review of
15 laboratory tests in conjunction with the prescription, for the
16 treatment of mental disorders.

17 2. When prescribing psychotropic medication for a
18 patient, the prescribing psychologist or the psychologist
19 with a conditional prescription certificate shall maintain
20 an ongoing collaborative relationship with the licensed
21 physician who oversees the patient's general medical care to
22 ensure that necessary medical examinations are conducted,
23 the psychotropic medication is appropriate for the patient's
24 medical condition, and significant changes in the patient's
25 medical or psychological condition are discussed.

26 3. A prescription written by a prescribing psychologist or a
27 psychologist with a conditional prescription certificate shall
28 meet all of the following requirements:

29 *a.* Comply with applicable state and federal laws.

30 *b.* Be identified as issued by the psychologist as
31 "psychologist certified to prescribe".

32 *c.* Include the psychologist's board-assigned identification
33 number.

34 4. A prescribing psychologist or a psychologist with
35 a conditional prescription certificate shall not delegate

1 prescriptive authority to any other person. Records of all
2 prescriptions shall be maintained in patient records.

3 5. When authorized to prescribe controlled substances, a
4 prescribing psychologist or a psychologist with a conditional
5 prescription certificate shall file with the board in a
6 timely manner all individual federal drug enforcement agency
7 registration and numbers. The board shall maintain current
8 records on every psychologist, including federal registration
9 and numbers.

10 Sec. 10. NEW SECTION. 154B.13 Board duties regarding
11 prescription certificates and conditional prescription
12 certificates.

13 1. The board shall adopt rules providing for the
14 procedures to obtain a conditional prescription certificate,
15 a prescription certificate, and a renewal of a prescription
16 certificate. The board may set reasonable application and
17 renewal fees.

18 2. The board shall adopt rules establishing the grounds for
19 denial, suspension, or revocation of conditional prescription
20 certificates and prescription certificates, including a
21 provision for suspension or revocation of a license to practice
22 psychology upon the suspension or revocation of a certificate.

23 3. The board shall provide to the board of pharmacy an
24 annual list of prescribing psychologists and psychologists
25 with conditional prescription certificates that contains
26 the information agreed upon between the board and the board
27 of pharmacy. The board shall promptly notify the board of
28 pharmacy of psychologists who are added to or removed from the
29 list.

30 4. The board shall adopt other rules as necessary to
31 administer this chapter.

32 5. The board shall consult with the board of medicine in
33 developing rules to carry out this chapter.

34 Sec. 11. Section 155A.3, subsection 35, Code 2016, is
35 amended to read as follows:

1 35. "Practitioner" means a physician, dentist, podiatric
2 physician, prescribing psychologist, veterinarian, or other
3 person licensed or registered to distribute or dispense a
4 prescription drug or device in the course of professional
5 practice in this state or a person licensed by another state
6 in a health field in which, under Iowa law, licensees in this
7 state may legally prescribe drugs.

8 Sec. 12. Section 155A.23, subsection 1, paragraph c, Code
9 2016, is amended to read as follows:

10 c. For the purpose of obtaining a prescription drug or
11 device, falsely assuming the title of or claiming to be
12 a manufacturer, wholesaler, pharmacist, pharmacy owner,
13 physician, dentist, podiatric physician, prescribing
14 psychologist, veterinarian, or other authorized person.

15 Sec. 13. Section 155A.24, subsection 14, Code 2016, is
16 amended to read as follows:

17 14. This section does not prevent a licensed practitioner of
18 medicine, dentistry, podiatry, nursing, psychology, veterinary
19 medicine, optometry, or pharmacy from acts necessary in the
20 ethical and legal performance of the practitioner's profession.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill grants prescription authority to certain licensed
25 psychologists under Code chapter 154B.

26 The bill adds definitions of "board", "collaborative
27 practice agreement", "collaborative relationship", "conditional
28 prescription certificate", "prescribing psychologist",
29 "prescription certificate", and "psychotropic medication" to
30 the Code chapter.

31 The bill allows a licensed psychologist holding a
32 conditional prescription certificate and a prescribing
33 psychologist, defined as a licensed psychologist who holds
34 a valid prescription certificate, to prescribe psychotropic
35 medication. However, the psychologist holding a conditional

1 prescription certificate may only prescribe psychotropic
2 medication under the supervision of a licensed physician.

3 The bill sets the requirements for a psychologist to obtain
4 a conditional prescription certificate or a prescription
5 certificate. A conditional prescription certificate is
6 valid for four years and a psychologist may reapply for
7 the certificate. To receive a prescription certificate,
8 a psychologist must complete two years of prescribing
9 psychotropic medication as supervised by a licensed physician
10 and an applicant who specializes in the psychological care
11 of children, elderly persons, or persons with comorbid
12 psychological conditions shall have at least one year
13 prescribing psychotropic medications to such populations. A
14 psychologist with a prescription certificate may prescribe
15 psychotropic medication under the provisions of the bill
16 subject to certain conditions including that the psychologist
17 has entered into a collaborative practice agreement with a
18 licensed physician. The licensed physician may be subject
19 to disciplinary action for the acts and omissions of the
20 psychologist under the physician's supervision. A psychologist
21 must maintain licensure as a psychologist and malpractice
22 insurance to retain the prescription certificate or the
23 conditional prescription certificate.

24 The bill provides that a prescribing psychologist or
25 psychologist with a conditional prescription certificate may
26 administer and prescribe psychotropic medication within the
27 scope of the person's profession. The prescribing psychologist
28 or psychologist with a conditional prescription certificate
29 must maintain a relationship with the patient's licensed
30 physician when prescribing psychotropic medication for the
31 patient.

32 The bill states that a prescription written by a
33 prescribing psychologist or a psychologist with a conditional
34 prescription certificate must comply with state and federal
35 law, be identified as issued by a "psychologist certified to

1 prescribe", and include the psychologist's board-assigned
2 identification number. A prescribing psychologist or
3 psychologist with a conditional prescription certificate
4 may not delegate the prescriptive authority to any other
5 person, and records of the prescriptions must be maintained
6 in the patient's records. The prescribing psychologist or
7 psychologist with a conditional prescription certificate must
8 also file federal drug enforcement agency registrations and
9 numbers with the board.

10 The bill instructs the board of medicine, in consultation
11 with the board of psychology, to establish by rule minimum
12 standards for the appropriate supervision of a psychologist
13 prescribing medication pursuant to a conditional prescription
14 certificate.

15 The bill instructs the board of psychology in consultation
16 with the board of medicine to adopt rules providing for
17 the procedures for obtaining a conditional prescription
18 certificate, a prescription certificate, and a renewal of
19 a prescription certificate; setting reasonable application
20 and renewal fees; and regarding the denial, suspension,
21 or revocation of conditional prescription certificates and
22 prescription certificates. The board must provide the board of
23 pharmacy with an annual list of prescribing psychologists and
24 psychologists with conditional prescription certificates and
25 promptly notify the board of pharmacy of psychologists who are
26 added to or removed from the list.

27 A prescribing psychologist may be subject to criminal and
28 civil penalties and licensing sanctions under Code chapters
29 124, 147, 154B, and 155A.

30 The bill makes conforming changes in Code chapters 123, 124,
31 147, and 155A.